

Donald S. Edgar, Esq. (State Bar No. 139324)  
Jeremy R. Fietz, Esq. (State Bar No. 200396)  
Rex Grady, Esq. (State Bar No. 232236)  
**EDGAR LAW FIRM**  
408 College Avenue  
Santa Rosa, CA 95401  
Telephone: (707) 545-3200  
Facsimile: (707) 578-3040

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WENDY D. WHITSON, individually and on )  
behalf of all others similarly situated,, )

Plaintiffs, )

v. )

BUMBO, BUMBO LIMITED, BUMBO )  
(PTY) LTD.; TARGET CORPORATION; )  
and DOES 1 to 20, )

Defendants. )

CASE NO.: CV 07-05597 MHP

**DECLARATION OF JEREMY R. FIETZ,  
IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT BUMBO  
(PTY) LTD'S MOTION TO QUASH AND  
MOTION TO DISMISS**

**Date: March 24, 2008**

**Time 2:00 p.m.**

**Place: Courtroom of the Honorable  
Marilyn Hall Patel**

I, JEREMY R. FIETZ, declare as follows:

1. I am an attorney licensed to practice in all of the courts of the state of California as well as the Northern District Court. I am a partner of the Edgar Law Firm, counsel for plaintiffs.

2. I have personal knowledge of the following facts and, if called as a witness could and would competently testify thereto.

3. True and correct copies of emails between Plaintiffs' counsel and Bumbo-Pty are attached hereto as Exhibit "A."

4. True and correct copies of a page from the [www.bumbosafety.com](http://www.bumbosafety.com) website is attached

1 attached hereto as Exhibit "B."

2 5. True and correct copies of excerpted pages from the website of the served Texas  
3 company are attached hereto as Exhibit "C."

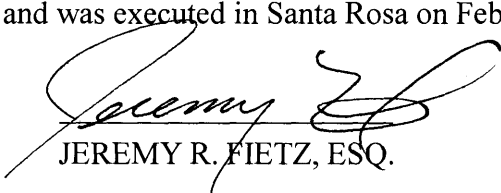
4 8. True and correct copies of excerpts from the official Bumbo website are attached  
5 hereto as Exhibit "D."

6 9. True and correct copies of excerpts from the CPSC website are attached hereto as  
7 Exhibit "E."

8 10. Bumbo-Pty's statement that I disclaimed knowing anything about the case during a  
9 telephone inquiry is not true. I have a specific recollection of the call, in which someone  
10 representing themselves as being from the office of Condon and Forsyth, counsel for Bumbo,  
11 contacted my office and inquired about whether their client had been served. My response was  
12 simply that I did not know and that I believed that my partner, Mr. Edgar, knew more about the  
13 service of process.

14 11. I have spent more than 20 hours working on responding/opposing Bumbo-Pty's  
15 motions to quash and to dismiss.

16  
17 I declare under penalty of perjury under the laws of the state of California, and the United States of  
18 America that the above is true and correct and was executed in Santa Rosa on February 8, 2008

19  
20   
JEREMY R. FIETZ, ESQ.

**EXHIBIT A**

**Jeremy Fietz**

---

**From:** Don Edgar [don@classattorneys.com]  
**Sent:** Wednesday, January 09, 2008 9:57 AM  
**To:** Jeremy Fietz  
**Subject:** Fw: Lamm v. Bumbo

----- Original Message -----

**From:** Don Edgar  
**To:** johnny.klopper@telkomsa.net  
**Sent:** Thursday, October 04, 2007 10:21 AM  
**Subject:** Lamm v. Bumbo

Mr. Klopper,

Here is the complaint, Target's answer and Target's notice of removal (sending the case to federal court). You may inform your counsel that while the case was initially assigned to Judge LaPorte, she recused herself and the case was reassigned to Judge Patel.

We look forward to working with your counsel.

Donald S. Edgar  
Attorney at Law  
EDGAR LAW FIRM  
408 College Avenue  
Santa Rosa, California 95401  
(707) 545-3200  
(707) 578-3040 fax  
don@classattorneys.com

## Jeremy Fietz

---

**From:** Don Edgar [don@classattorneys.com]  
**Sent:** Wednesday, January 09, 2008 9:56 AM  
**To:** Jeremy Fietz  
**Subject:** Fw: Lamm v. Bumbo

----- Original Message -----

**From:** Don Edgar  
**To:** johnny.klopper@telkomsa.net  
**Sent:** Thursday, October 25, 2007 9:38 AM  
**Subject:** Re: Lamm v. Bumbo

Mr. Klopper,

As we are sure you are aware, the Consumer Product Safety Commission has issued a public recall of the Bumbo here in the United States:

<http://www.cpsc.gov/cpscpub/prerel/prhtml08/08046.html>

We intend to immediately amend our complaint to include a class action allegation to recover the purchase price for all Bumbo's sold here in the U.S.. Given our prior discussions with you we thought we would extend an opportunity to you to enter into settlement discussions of a class nature sooner rather than later. With the publicity surrounding the recall, it is virtually certain that there are likely to be other class filings by other attorneys around the country. There is a short window of opportunity for Bumbo to resolve such litigation before it becomes unmanageable.

We look forward to hearing from you.

Don Edgar

Donald S. Edgar  
Attorney at Law  
EDGAR LAW FIRM  
408 College Avenue  
Santa Rosa, California 95401  
(707) 545-3200  
(707) 578-3040 fax  
don@classattorneys.com

----- Original Message -----

**From:** Don Edgar  
**To:** johnny.klopper@telkomsa.net  
**Sent:** Thursday, October 04, 2007 11:21 AM  
**Subject:** Lamm v. Bumbo

Mr. Klopper,

Here is the complaint, Target's answer and Target's notice of removal (sending the case to federal court). You may inform your counsel that while the case was initially assigned to Judge LaPorte, she recused herself and the case was reassigned to Judge Patel.

We look forward to working with your counsel.

2/6/2008

Donald S. Edgar  
Attorney at Law  
EDGAR LAW FIRM  
408 College Avenue  
Santa Rosa, California 95401  
(707) 545-3200  
(707) 578-3040 fax  
[don@classattorneys.com](mailto:don@classattorneys.com)

## Jeremy Fietz

---

**From:** Don Edgar [don@classattorneys.com]  
**Sent:** Wednesday, January 09, 2008 9:57 AM  
**To:** Jeremy Fietz  
**Subject:** Fw: Lamm v. Bumbo

----- Original Message -----

**From:** Don Edgar  
**To:** johnny.klopper@telkomsa.net  
**Sent:** Monday, November 05, 2007 6:19 PM  
**Subject:** Re: Lamm v. Bumbo

Mr. Klopper

Here is the new federal court complaint alleging the class action remedy of return of purchase price. We look forward to hearing from you.

Don Edgar

----- Original Message -----

**From:** Don Edgar  
**To:** johnny.klopper@telkomsa.net  
**Sent:** Thursday, October 04, 2007 10:21 AM  
**Subject:** Lamm v. Bumbo

Mr. Klopper,

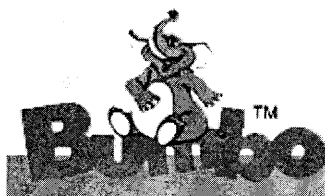
Here is the complaint, Target's answer and Target's notice of removal (sending the case to federal court). You may inform your counsel that while the case was initially assigned to Judge LaPorte, she recused herself and the case was reassigned to Judge Patel.

We look forward to working with your counsel.

Donald S. Edgar  
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don@classattorneys.com

**EXHIBIT B**





## About the Bumbo Baby Seat

### Home Page

### Bumbo Safety

### Safety Downloads

### FAQs

### Photo Gallery

### Video Gallery

### About Bumbo

### Media Center

### Contact Us

### RSS

### Bumbo International

12248 FM 1485  
Conroe, TX 77306

(877) WeBumbo

Introduced in 2002 and used by more than one million families around the world, the Bumbo™ Baby Seat is a snug and cozy environment for your baby. Designed and manufactured by Bumbo International, the seat was designed with a baby's posture in mind. Because the seat is lower than the leg openings, the lumbar region of the spine gets proper support. The Bumbo Baby Seat also helps in proper development of the spine, takes pressure off the hip and knee joints and puts less stress on the spine.

The award-winning design of the Bumbo Baby Seat enables babies to sit upright by themselves much earlier in their development. This revolutionary infant chair is uniquely designed according to the baby's posture to ensure maximum interaction and enjoyable communication with your child.

Bumbo Baby Seats are suitable for babies from as young as six weeks (or as soon as they can support their own heads unaided) to an age of approximately 12 to 14 months or about 22 pounds.

The Bumbo Baby Seat does not require any difficult or uncomfortable straps or fasteners that restrict a baby's movement. Because some babies will be able to move out of the Bumbo Baby Seat, it's important for parents not to leave baby unattended.

This Bumbo Baby Seat is manufactured to the highest safety standards from low-density foam material, which makes it lightweight and portable. It is soft and comfortable for the baby, safe, hygienic and nontoxic. The integral outer skin of the material is durable and easy to clean.

For more information on the Bumbo Baby Seat, go to [www.bumboseat.com](http://www.bumboseat.com).

We love to hear from people who have a Bumbo Baby Seat. Please enter your comment below.

EXHIBIT C

24-Oct-07 8:00 PM CST



## **Bumbo Baby Seat Safety Q&A**

### **What have you announced?**

Some families have been using the Bumbo™ Baby Seat on elevated surfaces, which is an unsafe use of the product because children can get out of the seat, fall and get hurt. In cooperation with the U.S. Consumer Product Safety Commission, the manufacturers of the Bumbo Baby Seat have agreed to make available new warning label stickers and instructions. If you would like to order new warning label stickers and instructions, please click [here](#). Additionally, we have temporarily removed the Bumbo Baby Seat from store shelves until the product packaging can be updated.

### **Are Bumbo Baby Seats being recalled?**

Technically, this is a recall, but the Bumbo Baby Seat itself is perfectly safe when used properly and does not need to be returned. Instead, we are updating the warning labels and instructions to emphasize how important it is to NEVER USE THE BUMBO BABY SEAT ON ANY ELEVATED SURFACE. If you would like to order new warning label stickers and instructions, please click [here](#).

### **Why have sales of the Bumbo Baby Seat been stopped?**

We have learned that some parents may be using the Bumbo Baby Seat on raised surfaces and/or leaving their baby unattended in their Bumbo Baby Seat. We have voluntarily agreed to update the packaging, warnings and instructions to further emphasize that to PREVENT FALLS, the Bumbo Baby Seat should never be used on any elevated surface.

### **What is wrong with the current packaging?**

There is a photo on the current packaging that some have interpreted as showing the Bumbo Baby Seat being used improperly on an elevated surface. We will update the packaging by covering the photo on existing stock and removing the photo from future packaging. We also will be updating the warning label and updating the instructions.

### **On the product box, on Web site photos, and on YouTube, I have seen children in their Bumbo Baby Seats on high surfaces. Do you encourage parents to use your seats on tables and counters?**

We have been strenuous in our warnings that the Bumbo Baby Seat should NEVER be used on a raised surface. That's stamped on every product, in our instructions and on our Web site. Some parents are not heeding that warning, which is why we are making the warning stronger by adding the words, "Prevent Falls; Never use on any elevated surface." We have taken all existing packages off the shelves until they have these updated warnings and anyone who already owns a Bumbo Baby Seat can order new warning label stickers and new instruction free of charge by going to [www.bumbosafety.com](http://www.bumbosafety.com) or dialing 1-877-WE-BUMBO. Finally, there is one photo that I am aware of that some have found confusing and we have taken action to cover it or remove it. The photo depicts children at a birthday celebration. It was actually shot at ground level, but it might appear that the babies are on a table. That photo will be covered by a warning sticker on our current inventory and removed on future packaging.

### **Is my Bumbo Baby Seat safe?**

The Bumbo Baby Seat is perfectly safe when used on flat, ground-level surfaces. And since the Bumbo Baby Seat is not designed to be totally restrictive, children should never be left unattended when they are in the Bumbo Baby Seat.

### **Have children been injured?**

Unfortunately, children have been injured. The most serious injuries resulted from falls after the Bumbo Baby Seat was placed on a raised surface. In other cases, babies have been hurt getting out of their Bumbo Seat. We are hoping our new, stronger warnings will make a difference and emphasize how important it is to keep the Bumbo Baby Seat on the ground.

### **Has this happened to a lot of children?**

28 cases have been reported to the U.S. Consumer Product Safety Commission. We care about the families who use our products and believe that even one injury is one too many. That's why we are voluntarily removing the Bumbo Baby Seat from store shelves to make sure there is no confusion about the safe and proper use of our product.

### **What have you done to prevent injuries?**

We have a prominent warning on the chair that states: "Never use on a raised surface. Never use as a car seat or bath seat. Designed for floor level use only. Never leave your baby unattended as the seat is not designed to be totally restrictive and may not prevent release of your baby in event of vigorous movement." The new warning will add "Prevent Falls; Never use on any elevated surface," to further emphasize the importance of using the Bumbo Baby Seat safely and properly. The fact is that more than one million Bumbo Baby Seats are being used safely in homes around the world, but a small number of parents are not heeding these warnings. We want to make sure everyone uses the Bumbo Baby Seat safely.

### **Where do you suggest parents use the seats?**

The Bumbo Baby Seat can safely be used on any flat ground-level surface. So they can be used on any floor, in the yard or at the beach. Anywhere you can find a flat ground-level surface. We showcase a collection of appropriate and safe uses of the Bumbo Baby Seat at <http://www.bumbosafety.com/videogallery/>.

### **I have seen instructions that say to use the Bumbo on "any level surface," is that misleading to parents?**

We have reviewed all the wording we use to clear up any inconsistency or confusion. The warning on our product, the packaging, the instructions and on our Web sites has clearly stated not to use the Bumbo Baby Seat on ANY raised surface. We realize that some parents may not have understood the importance of this warning, which is why we are working with the U.S. Consumer Product Safety Commission to update our warning label and instruction leaflet. To prevent falls, the Bumbo Baby Seat should NEVER be used on any elevated surface. Period.

### **What is your reaction to the cases where children have fallen from high places while in the bumbo seat?**

These are heartbreaking stories and we care deeply about those families – and all families that use the Bumbo Baby Seat. We approached this entire process with the mindset that even one injury is unacceptable and we committed ourselves to finding a solution to the problem of some parents using the Bumbo Baby Seat on elevated surfaces. So when the CPSC decided that we should make the warning stronger, we jumped to make it happen. We want to get the word out that to prevent falls, the Bumbo Baby Seat should only be used on flat, ground-level surfaces.

### **How do I know if the Bumbo Baby Seat is right for my baby?**

The Bumbo Baby Seat is suitable for babies as soon as they can support their own heads unaided.

Babies who can't yet support their own heads should not be placed in a Bumbo Baby Seat. Every baby develops differently, but the Bumbo Baby Seat is typically appropriate for babies up to 14 months or 22 pounds.

### How can I get more information?

This Web site, [www.bumbosafety.com](http://www.bumbosafety.com), is designed to provide up-to-date information, make it easy to order new warning label stickers and instructions and to answer your questions. Order warning label stickers and instructions [here](#). We also have set up a toll-free number for those who want more information, 877-WE-BUMBO (877-932-8626).

For additional information on this release, please contact:

Dan Keeney  
(832) 467-2904  
[dan@keeneypr.com](mailto:dan@keeneypr.com)








Source: Bumbo International

Website: <http://www.bumboseat.com>

Related Documents:

No related documents found.

### Other Recent Releases:

-  [Bumbo International Takes Action to Strengthen, Update Instructions and Packaging for Canadian Consumers](#) 27-Oct-07
-  [Bumbo International Issues Clarification on "Recall"](#) 26-Oct-07
-  [Bumbo International Encourages Consumers to Order Updated Warning Labels and Instructions](#) 25-Oct-07
-  [Serious Head Injuries Prompt Recall of Bumbo Baby Sitter Seats – New Warnings and Instructions to Be Provided To Consumers](#) 25-Oct-07
-  [Bumbo Baby Seat Fact Sheet](#) 25-Oct-07
-  [Bumbo Baby Seat Safety Q&A](#) 24-Oct-07
-  [Background on the Bumbo Baby Seat](#) 24-Oct-07



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EXHIBIT D





## **URGENT NEWS FLASH!!**

### **Don't' Blame it on the Bumbo Baby Seat**

A press release was sent out yesterday, 27 October 2007 by the US Consumer Product Safety Commission (CPSC) in the USA to warn consumers of potential injuries due to the use of the Bumbo Baby Seat.

Bumbo International has been working with the CPSC in recent weeks to address concerns about how some parents are using the seat. Despite a clear warning on the seat not to use it on raised surfaces or that the baby should not be left unattended it appears that some parents are using it this way.

We want to stress that there has been no finding that the Bumbo Baby Seat is unsafe. The concern is specifically related to the packaging of the product's wording and the birthday party picture on the packaging. This photo is being interpreted as the Bumbo Baby Seat being used on a raised surface. The CPSC's recommendation is that this photo must be removed or covered before the seat is returned to the shelves.

Bumbo International has conformed to the requirements of different countries such as the EU and the United Kingdom . Since the introduction of the product in 2003 in the US market the warnings and packaging was acceptable. Due to the investigation of the CPSC it has only now become evident that changes are necessary.

Bumbo International wants to put on record that we care deeply for the parents and babies and are committed to changes, in order to ensure the safe use of the product.

For this reason we have voluntarily removed all Bumbo Baby Seats from the shelves of retailers in the USA and placed it back into inventory. We are currently busy changing the party photo, add an additional warning on the product and reprinting the instruction leaflet to include changes as recommended by the CPSC before it will be returned to the retailers' shelves. In addition to this, owners of the Bumbo Baby Seat can visit our website, [www.bumbosafety.com](http://www.bumbosafety.com), to download copies of the warning and the altered instruction leaflets.

Free downloads of the warning and altered leaflet available at:

**[www.bumbosafety.com](http://www.bumbosafety.com)**

## **URGENT NEWS FLASH!!**

## Welcome

Introducing to you the World's First and only seat for babies who are not yet able to sit up on their own. The most innovative baby seat ever!

## What's new at Bumbo Baby Sitter?

Read Bumbo Baby Sitter's latest [Press Releases and Articles!](#)

## Bumbo Baby Sitter



### THE BUMBO BABY SITTER A MAJOR BREAKTHROUGH IN BABY CARE PRODUCTS

We have aligned our product with the  
needs of millions of mothers all over the  
world.



AFRICA SMME AWARDS

Website Designed by [www.cre8iveminds.ca](http://www.cre8iveminds.ca)





## Company Profile

Bumbo is a private (Property Limited) company governed by the laws of South Africa.

## Business Type

Exporter  
Manufacturer

## Export Markets

Worldwide

## Export Percentage

95 - 99%

## Investment on Manufacturing

US\$ 1999 999 to 2999 999

## Year Established

2001

## Selling Points

Reliability



Reputation  
Uniqueness  
Patented Worldwide

## **Type of Plant and Machinery in Factories**

Polyurethane Dispensing machines with forty station carousels

## **Major Customers**

### **USA**

—Bright Ideas Manufacturing Inc.  
Chelsea and Scott Ltd.  
Target Corporation  
Wartburg Enterprises Inc.

### **United Kingdom**

Gro-Group International

### **Japan**

T-Rex

### **Sweden**

Spacebabies

### **Korea**

Bumbo Korea

### **France**

Red Castle

### **Spain**

Mimame Spain

### **Netherlands**

Jamak Benelux

## **Awards**



National Parenting Seal of Approval 2005 USA  
 Innovation and Sustainability Awards 2004 SA  
 Biz-Community Article  
 The 2004 Innovation & Sustainability Awards  
 iParenting Media Awards 2003 in the USA  
 Best New Product 2003 Awards UK  
 Best Product 2003 Netherlands  
 Top Brand 2005 Korea  
 Winner of Design Institute Industrial Design Award 2002  
 Winner of Design Institute Engineering Award 2002  
 Winner "Chairman's Award for Excellence" 2002  
 Runner up in DTI "Business Excellence Awards"  
 Runner up in "Most Innovative Product 2003" Awards UK  
 Finalist in the Africa SMME Business Awards 2004  
 Parents a choisi France – security, innovative and practicality 2005.  
 TTT Toy Tips Tested Mark of Excellence USA 2004  
 iParenting Hot Awards 2003 in the USA  
 Top 10 Coolest Products 2005 – Chicago Sun Times  
 Recognising Brilliant Ideas- Financial Mail 2004  
 Dti Business Excellence Awards  
 Design for Export Advantage –Design Institute Award 2005

## Accreditations

TÜV Certification  
 Bureau Veritas Tested ( Tested according to US Consumer Safety Regulations)  
 Tested by STR (Specialised Technology Resources) UK (according to British & European Standards)  
 Tested according to Russian Federation Standards Authority  
 French Standards Authority ( FSA) Approval  
 Compliant with Australian Safety Standards (ACCC)  
 CE Mark of Approval  
 Responsible Care

## Memberships

JPMA accredited Member USA  
 SANEC Member ( South African Netherlands Chamber of Commerce)  
 Member Johannesburg Chamber of Commerce

## Aiding Therapists

State of Illinois – Approved as a Medical Device  
 Mississippi State : Department of Health – provides Bumbo for use by therapist.

## Patent Applications and Granted Patents

AUSTRALIA – Granted Patent Application No. 367/99  
 BRAZIL – Patent Application Number 9917276-3  
 BRITISH – Patent Application Number 1176893  
 CANADA – Patent Application Number 2372064  
 CHILE – Patent Application Number 198525  
 CHINA – Granted Patent Application Number 99816616.2  
 EUROPEAN – Granted Patent Application 1176893  
 GERMANY – Granted Patent Application 69903861.8  
 JAPAN – Patent Application Number 2000-614856  
 MEXICO – Patent Application Number PA/A/2001/011312  
 SOUTH AFRICA – Granted Patent Application Number 97/0115  
 UNITED KINGDOM – Granted Patent Application 1176893  
 UNITED STATES OF AMERICA – Granted Patent Application Number 6626487

## Who are We?

### Owner, General Management

General Day to Day Running of the Business, Approves all  
 Financial Obligations, Oversees all Functions

**Mr. Johan Buitendach**

### Marketing

Oversees Sales, Marketing, Customer Service, Pro,  
 Strategic Alliances

**Mr. Johan van Jaarsveld**  
[johanvj@bumbo.co.za](mailto:johanvj@bumbo.co.za)

### Financial Director

**Mr. Gerhard Wagenaar**

### Finance and Accounting

Accountants Payables, Receivables, Budgeting, Forecasting,  
 Analysis

**Ms. Annatjie Haasbroek**  
[annatjie@bumbo.co.za](mailto:annatjie@bumbo.co.za)

### Administrative Manager

General Administration, Human Resources, Factory  
 Compliance, Technical, Security, Social Compliance

**Ms. Antionette Wagenaar**  
[antionette@bumbo.co.za](mailto:antionette@bumbo.co.za)

### Production Manager

Production Control, General Manufacturing

**Mr. Jurie Fritz**  
[jurie@bumbo.co.za](mailto:jurie@bumbo.co.za)

### Systems Manager

Implementation Maintenance Standards, Systems, Policies,  
 Procedures

**Ms. Christa Buitendach**  
[christa@bumbo.co.za](mailto:christa@bumbo.co.za)

### Procurement Manager

Procurement, Inventory, Quality Assurance, IT Support

**Mr. Jonathan Carlos**  
[jonathan@bumbo.co.za](mailto:jonathan@bumbo.co.za)

### Export Forwarding

**Ms. Salomi Knox**

Control, Planning, Liason

salomi@bumbo.co.za

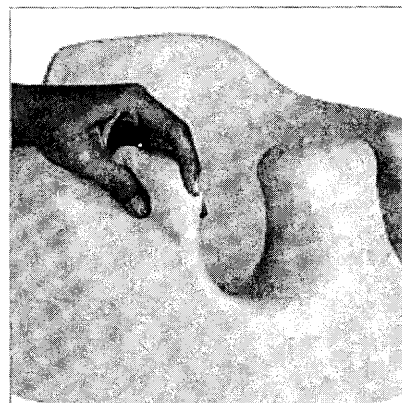




## Product Features

The Bumbo Baby Sitter is a revolutionary new concept with world wide patent rights, uniquely designed according to the baby's posture to seat babies independently in an upright sitting position, from as young as 3 months up to an age of approximately 14 months depending on the individual development of the child, thereby providing a snug and cozy environment for your baby.

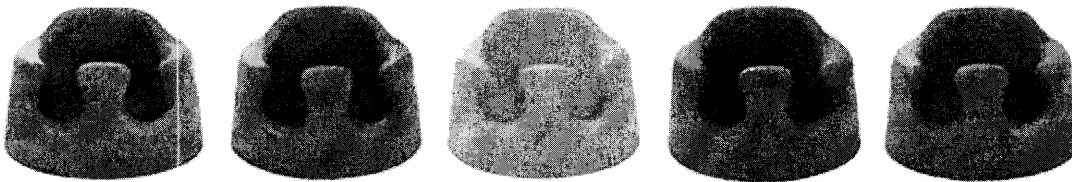
The seat is manufactured to the highest safety standards from low-density foam material, which makes it lightweight and portable. It is soft and comfortable for the baby, safe, hygienic and non-toxic. The integral outer skin of the material is durable and easy to clean.



The Bumbo Baby Sitter is versatile and is definitely the extra set of hands you have always been looking for – the perfect gift for that special occasion.

The seat does not require any uncomfortable straps or fasteners. It gives a wonderfully new way to ensure maximum interaction and enjoyable communication with your child. **Depending upon the individual development of the child, some babies will be able to climb out of the bumbo, so never leave your child unattended. This product is not recommended for use on raised surfaces.**

## Colors Available



## Frequently Asked Questions

### When can my child start using the Bumbo?

The short answer is as soon as your baby can hold his or her head up without assistance. For some babies, this can be as young as 8 weeks, but it varies depending on the development of each individual baby.

### Is there a weight limit on the Bumbo?

The Bumbo is recommended for children up to 22 pounds. In practical useage however, we have seen that there is not really a weight limit on the Bumbo, it is more of a size limit. We have seen special needs children comfortably using the Bumbo at 7 years old. Often it is a child's hips that become too wide for the Bumbo. Other times it is the child's thighs that outgrow the Bumbo. The bottom line is that as long as your child is comfortable in the Bumbo, they can use it. The Bumbo will not break. Of course, the larger and more developed your child is, the more likely it is they can get out of the Bumbo so remember to never leave your child unattended in the Bumbo Seat.

### How secure is the Bumbo?

The Bumbo is as secure as the surface it sits on. The baby's weight actually helps hold it in the Bumbo. This is because of the Bumbo Seat's unique design that puts the baby's bottom slightly below the leg openings. Remember, the Bumbo is happiest on the floor and is not recommended for use on raised surfaces.

### Can the Bumbo be used as a bath seat?

No. The Bumbo Seat is not recommended for use in the bath.

### Is the Bumbo made of hard plastic?

No it is made from a soft low density foam. It is soft and squishy for your baby's comfort.

### Is the Bumbo Seat latex free?

Yes. It is made from non-toxic, environmentally friendly polyurethane.

### Do doctors approve of the Bumbo?

Yes, it has been tested and is endorsed by both pediatricians and orthopedists.

### Do occupational and physical therapists use the Bumbo?

The Bumbo Seat is being used extensively by therapists and in Early Childhood Intervention (ECI) programs around the USA.

### Does the Bumbo Baby Sitter come in different sizes?

[http://www.bumbo.co.za/product\\_features.htm](http://www.bumbo.co.za/product_features.htm)

The Bumbo Baby Sitter was designed for babies who cannot sit upright on their own. Therefore, there is only one size available.



EXHIBIT E

# NEWS from CPSC

## U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, DC 20207

FOR IMMEDIATE RELEASE

October 25, 2007

Release #08-046

**Firm's Recall Hotline: (877) 932-8626**

CPSC Recall Hotline: (800) 638-2772

CPSC Media Contact: (301) 504-7908

### Serious Head Injuries Prompt Recall of Bumby Baby Sitter Seats - New Warnings and Instructions to Be Provided To Consumers

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission, in cooperation with the firm named below, today announced a voluntary recall of the following consumer product. Consumers should stop using recalled products immediately unless otherwise instructed.

**Name of Product:** Bumby "Baby Sitter" Seats

**Units:** About 1 million

**Manufacturer:** Bumby International, of South Africa

**Hazard:** If the seat is placed on a table, countertop, chair, or other elevated surface, young children can arch their backs, flip out of the Bumby seat, and fall onto the floor, posing a risk of serious head injuries.

**Incidents/Injuries:** CPSC has received 28 reports of young children falling out of the Bumby Baby Sitter seat, including three skull fractures, which occurred when children fell out of chairs that had been placed on tables.

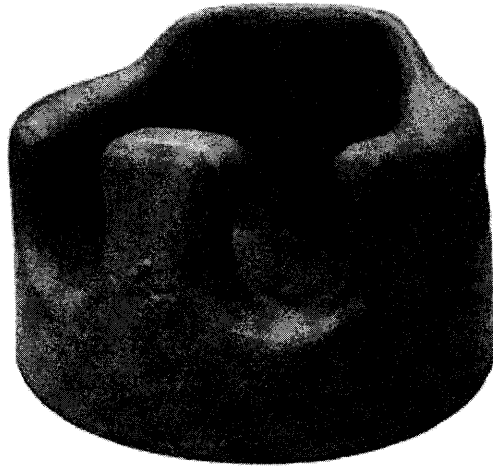
**Description:** The bottom of the children's seat is round and flat with a diameter of about 15 inches. It is constructed of a single piece of molded foam and comes in yellow, blue, purple, pink, aqua, and lime green. The seat has leg holes and seat back that wraps completely around the child. On the front of the seat in raised lettering is the word "Bumby" with the image of an elephant on top. The bottom of the seat has the following words: "Manufactured by Bumby South Africa Material: Polyurethane World Patent No. PCT: ZA/1999/00030." The back of the seat contains the following "WARNING" - "Never use on a raised surface. Never use as a car seat or bath seat. Designed for floor level use only. Never leave your baby unattended as the seat is not designed to be totally restrictive and may not prevent release of your baby in the event of vigorous movement."

**Sold by:** Target, Wal-Mart, Sears, Toys R Us, Babies R Us, USA Babies and various other toy and children's stores nationwide, and various online sellers, from August 2003 through October 2007 for about \$40.

**Manufactured in:** South Africa

**Remedy:** Consumers should never use the infant seat on a table, countertop, chair, or other elevated surface. Consumers can contact Bumby to obtain new warning label stickers and instructions, free of charge. The new warning label will state: "WARNING - Prevent Falls; Never use on any elevated surface." Consumers should use the Bumby seat at ground level, but should never leave a child unattended.

**Consumer Contact:** Contact Bumby International at (877) 932-8626 between 8 a.m. and 5 p.m. ET Monday through Friday or visit the firm's Web site at [www.bumbysafety.com](http://www.bumbysafety.com)



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Send the link for this page to a friend! The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries and property damage from consumer product incidents cost the nation more than \$800 billion annually. The CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard. The CPSC's work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals - contributed significantly to the decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at [www.cpsc.gov/talk.html](http://www.cpsc.gov/talk.html). To join a CPSC email subscription list, please go to <https://www.cpsc.gov/cpsclist.aspx>. Consumers can obtain this release and recall information at CPSC's Web site at [www.cpsc.gov](http://www.cpsc.gov).